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12 SEP 2006

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In re Application of	:	
AGARWAL, Pradeep K.	:	
Application No.: 10/528,370	:	DECISION ON
PCT No.: PCT/US03/29419	:	
Int. Filing Date: 17 September 2003	:	REQUEST
Priority Date: 18 September 2002	:	
Attorney's Docket No.: W002.PAT-22	:	UNDER 37 CFR 1.42
For: SYSTEM AND METHOD ... RECOVERY	:	
OF HYDROGEN	:	

This application is before the Office of PCT Legal Administration for matters arising under 35 USC 371. A review of the submission reveals an indication that inventor Agarwal is deceased. Applicants' submission has been treated as a request for status under 37 CFR 1.42.

**BACKGROUND**

On 17 September 2003, applicants filed international application PCT/US03/29419, which claimed a priority date of 18 September 2002. The deadline for entry into the national stage in the United States was 18 March 2005.

On 18 March 2005, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 03 November 2005, applicants submitted a declaration, that has been treated as a request under 37 CFR 1.42.

On 07 April 2006, the Office mailed Decision On Request under 37 CFR 1.42, dismissing applicants' refusing applicants' request.

On 29 June 2006, applicants filed the instant renewed request along with the fee for a one month extension of time.

**DISCUSSION**

Under 35 U.S.C. §117, legal representatives of deceased inventors may make application for patent upon compliance with the requirements and on the same terms and conditions applicable to the inventor. The "legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent." 37 CFR 1.42.

The declaration must list the inventors and their citizenships and the legal representative and the legal representative's citizenship, residence and postal address. The 29 June 2006 declaration complies with 37 CFR 1.497(a)-(b) and 37 CFR 1.42.

Additionally, applicants have indicated that the correct spelling of the fourth named inventor's name is "Jerry Hamann". This is construed as a statement that the original spelling of the fourth inventor's name as "Jerry Hamman" was a typographical error. If this is not a correct interpretation, applicant must notify the Office immediately.

**CONCLUSION**

For the above reasons, the request for status under 37 CFR 1.42 is **GRANTED**.

The correction of the fourth inventor's name to "Jerry Hamann" is **GRANTED**.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for further processing consistent with this decision. The application has a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 29 June 2006.



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